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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary report on the panel discussion on preventing and eliminating child, early and forced marriage

Report of the Office of the United Nations High Commissioner for Human Rights

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I. Introduction

1. In its resolution 24/23, the Human Rights Council decided to convene, at its twenty-sixth session, a panel discussion on preventing and eliminating child, early and forced marriage, with a particular focus on challenges, achievements, best practices and implementation gaps, and requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a summary report on the panel discussion. The present report was prepared pursuant to that request.

2. Also in resolution 24/23, the Human Rights Council requested OHCHR to prepare a report on preventing and eliminating child, early and forced marriage, with a particular focus on challenges, achievements, best practices and implementation gaps, to be presented to the Council at its twenty-sixth session.[1]

3. The panel discussion, which was held on 23 June 2014, was moderated by the Permanent Representative of Sierra Leone to the United Nations at Geneva, Ambassador Yvette Stevens, and was opened by the Deputy High Commissioner for Human Rights. The panellists were a member of the Committee on the Elimination of Discrimination against Women and Chairperson of the Committee's working group on harmful practices, Violetta Neubauer; the Special Rapporteur on the rights of women in Africa of the African Commission on Human and Peoples' Rights, Soyata Maiga; the Deputy Executive Director of the United Nations Population Fund (UNFPA), Kate Gilmore; Programme Coordinator for Advocacy and Research (CREA), Pooja Badarinath; and the Programme Area Manager for Upper Egypt, Plan International, Dr. Ayman Sadek. The discussions were structured in three segments.

II. Summary of discussions

4. In her opening remarks, the Deputy High Commissioner for Human Rights stated that child, early and forced marriage violated human rights and affected girls and women disproportionately. The origins of this practice were rooted in unequal gender status and power relations, which resulted in the perpetual subjugation of girls and women. She highlighted the fact that discriminatory cultural practices based on stereotypical views of women's roles and sexuality, as well as poverty and insecurity, were structural causes. She also pointed out numerous human rights violations resulting from child, early and forced marriage, including those relating to employment, education and other opportunities for girls and young women, as well as exposure to a variety of forms of violence. Moreover, it was associated with a range of poor health outcomes, including early and frequent pregnancy and forced continuation of pregnancy, all of which were closely linked to high rates of death for both young mothers and their infant children.

5. The Deputy High Commissioner recalled the legal obligations of States with regard to marriage under international human rights law, including the requirements that both parties must be at least 18 years of age and give free and full consent to the union. She further pointed to some of the lessons learned from ongoing efforts, including the importance of participation, education and awareness-raising, as documented by OHCHR in its report. Welcoming the attention devoted by the Human Rights Council to this important issue, she encouraged continued examination of this human rights violation by the Council and also in discussions on the post-2015 development agenda.

[1] See A/HRC/26/22.

6. Violetta Neubauer observed that important normative standards and principles with regard to child, early and forced marriage were set out in the Convention on the Elimination of All Forms of Discrimination against Women (and in the jurisprudence of the relevant Committee. She distinguished the different terms of "child", "early" and "forced marriage", and explained that they could not be used interchangeably owing to the undefined nature of the term "early marriage". The Committee increasingly used the terms "child" and "forced marriage", the former to describe the marriage of persons below the age of 18. The Committee considered child marriage also a forced marriage, although not the only one.

7. Kate Gilmore, speaking also on behalf of the World Health Organization, the United Nations Children's Fund and UNFPA, stated that the human rights implications of child and forced marriage were significant and grave. She referred to the 14.2 million girls who are married every year, the majority of whom were poor, had little or no access to education, and lived in rural and remote areas. One in nine of these girls was married before the age of 15, including girls as young as six years. She explained the consequences of such a marriage, including dropping out from school and multiple pregnancies. With regard to pregnancy, she drew attention to the fact that as many as 90 per cent of adolescent pregnancies occurred within marriage; this was the group most at risk of maternal mortality and morbidity. It was also the group with the least access to information and services that could ensure their sexual and reproductive health and rights. In addition to being a violation in its own right, child, early and forced marriage also violated the right to life, liberty and security, and the rights to information, freedom from discrimination, and freedom from cruel, inhuman and degrading treatment or punishment, including sexual violence.

8. Pooja Badarinath stressed that the impact of child and forced marriage on the sexual and reproductive health and rights of young girls and women was known; indeed, as many as 70 per cent of girls forced to marry experienced sexual violence. To date, however, more than 100 countries still had not explicitly criminalized rape within marriage. She drew a connection between child, early and forced marriage and the issue of consent, explaining that child marriage could not be addressed in isolation from issues of autonomy, choice and equity. In considering consent, she stressed the importance of the evolving capacity of young people and warned against narrow approaches based solely on the age of marriage. In particular, she highlighted the need for a contextual understanding of issues, such as the role of parental and spousal consent in exercising sexual agency and related sexual and reproductive health decisions. Furthermore, any assessment of harm should be made within the framework of a continuum that began prior to marriage and continued thereafter. She also highlighted the need to address cultural issues, such as those relating to women's and girls' sexuality.

9. Soyata Maiga described the ways in which the African Commission on Human and Peoples' Rights had addressed child, early and forced marriage. The issue was regularly invoked in the Commission's communications and interactive dialogue with Member States. Ms. Maiga referred to a variety of recommendations made by the Commission to States, including removing all discriminatory legislation; harmonizing national legislation with regional standards, including the obligation to raise the minimum age of marriage to 18 years; awareness-raising to combat gender stereotypes; ensuring access to education for girls, including sexual and reproductive health education in school curricula; enforcing birth and marriage registration; and educating religious and community leaders on the harm caused by child, early and forced marriage. She particularly emphasized the need for a comprehensive approach; legislative measures needed to be complemented by education programmes and other supportive measures. Lastly, Ms. Maiga announced that an all-African campaign had been launched in 29 May 2014 to mobilize everyone to fight against early and forced marriage.

10. Ayman Sadek stated that Plan International was committed to combating child, early and forced marriage not only as a barrier to development but also as a serious violation of a wide range of fundamental human rights. He referred to the work conducted by Plan International on the issue as multifaceted, involving three levels of change within the framework of the global "Because I am a Girl" campaign: firstly, working with institutions and Governments to achieve change in laws and polices; secondly, working with families and communities to change social structures and to challenge harmful social norms; and thirdly, working with boys and girls to empower them to bring about change. He referred to a good practice, in Egypt, where Plan used an empowerment training programme, the Arab Women Speak-Out (AWSO) methodology, to help women to overcome social, economic, educational and political obstacles by providing realistic role models that inspire action and increase self-esteem. Dr. Sadek also emphasized the importance of involving men and boys, as well as traditional and religious leaders, in efforts to end child marriage.

11. Before giving the floor to States, non-governmental organizations and national human rights institutions, the Chairperson acknowledged the presence of the African Union Goodwill Ambassador for Ending Child Marriage, Nyaradzayi Gumbonzvanda. In her intervention, the Goodwill Ambassador stated that child, early and forced marriage was the nexus between household poverty, violence against women, abuse of cultures, traditions and religion and gender inequalities. She urged the Human Rights Council to endorse an annual resolution on the issue and Member States to address its underlying causes, including the feminization of household poverty. She also recommended that Member States take steps to harmonize the age of marriage with the legal age of majority, facilitate civil registration of births and marriages, ensure greater investment in education for girls, and promote young women's leadership and empowerment. She also called for political, financial and technical investment and community resources to end child, early and forced marriage. She concluded that, with collective efforts, child marriage could be ended within a single generation.

12. In their interventions, States agreed that child, early and forced marriage was correlated with poverty, including a cycle of poverty for future generations. It undermined the well-being of women and young girls and was an obstacle to the enjoyment of other human rights. Speakers expressed concern about the long-standing and wide-ranging consequences of child, early and forced marriage, such as violence, and pointed out its impact on health, education and employment of women and girls. It was necessary to address the root causes of child, early and forced marriage, such as cultural norms, discrimination against women and girls, negative stereotypes and gender inequality, which allowed it to persist.

13. There was also agreement that child marriage was a serious violation of human rights, a harmful practice and a barrier to development. The need for comprehensive and coordinated approaches and leadership to translate States' commitment into concrete and sustained actions to end the practice was emphasized. Non-governmental organizations recalled that, if the international community was to end child, early and forced marriage in one generation, there was a need for sustainable programmes, owned and supported by key stakeholders in communities and countries.

14. Several speakers stressed the need for the Human Rights Council to continue to work on this serious human rights violation and to monitor the measures that States were taking to eliminate it. They also stressed the importance of ensuring that child, early and forced marriage was included in the post-2015 development agenda.

15. The speakers asked panellists several questions, including on good practices and challenges in addressing child, early and forced marriage; how to ensure that the issue would remain on the post-2015 development agenda; the tools required to scale up good

practices; and how to maximise the impact and added value of efforts to address child, early and forced marriage.

16. Addressing some of the issues raised during the discussion, Ms. Maiga attributed the persistence of the practice and some of the challenges in addressing it to the weak legal status of women and children within the family and the community and the lack of implementation of existing legislation, as well as the existence of multiple sources of law in several countries. Initiatives had been undertaken, such as those by the African Union and the Pretoria Human Rights Centre, which looked at root causes, existing legislation and regulations, culminating in plans of action and awareness-raising campaigns. She called for more resources and for educational programmes, awareness-raising and mobilization, and for sharing cross-regional experiences with the African Union and the Economic Community of West African States. She also recommended that joint efforts be made to ensure that child, early and forced marriage remained on the post-2015 development agenda.

17. Ayman Sadek, responding to the question concerning successful practices, drew attention to the role of awareness raising campaigns among girls and their communities, and provided an example from Egypt in which a 14 year old girl, with the support of her family, was able to avoid getting married and went on to become one of the positive models for girls in her village. In Bangladesh, children's groups working together with local authorities had organized visits and discussions in order to educate families and communities about the risks of child, early and forced marriage, which resulted in some areas being declared "Child Marriage-Free Zones". Dr. Sadek linked child, early and forced marriage with other harmful traditional practices, such as female genital mutilation, and with the drop-out rate of girls from schools. He emphasized the importance of the participation of children and young girls themselves, as well as of men and boys, which was crucial to ensure sustainable change.

18. Pooja Badarinath provided examples of grass-roots efforts in which girls were asked about their aspirations, noting that education was high on the list. For girls, particularly in the context of education, separate toilets and adequate sanitary facilities were important. Evidence showed that girls who had received sex education had been empowered to negotiate marrying at an older age, which delayed sexual activity, and to follow safer sexual practices. She requested all States to consider criminalizing marital rape in their countries, and also to promote the inclusion of comprehensive sexual and reproductive rights in education.

19. Violetta Neubauer stated that comprehensive strategies, tailored to specific country and local contexts, were needed to address child, early and forced marriage. She referred to recommendations made by the Committee on the Elimination of Discrimination against Women according to which marriage exceptions for persons below the age of 18 – but no lower than 16 – could only be authorized by tribunals and only with the full and free consent of the girls involved. Marriages contracted by coercion should be declared null and void, and the difficult situation of girls after marriage had to be taken into consideration. She expressed the hope that the joint recommendation/general comment of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child on the elimination of harmful practices would be adopted by the end of 2014.

20. Kate Gilmore emphasized the importance of political will as well as of an environment where parents and communities appreciate the harmful consequences of child marriage for their girls. She particularly noted the importance of greater attention to adolescents, ensuring their access to information and services on sexual and reproductive health, and access to education. She also expressed appreciation for the leadership of the Human Rights Council on the issue. She cautioned against false separations between human

rights, peace and development, and recommended that human rights should be at the heart of the post-2015 development agenda.

III. Concluding remarks

21. **The panel agreed that further action was necessary to tackle the problem of child, early and forced marriage from a human rights perspective, and the OHCHR report contained important recommendations in this regard. Through the discussions, many good practices had been shared, providing an important insight into ways to address child, early and forced marriage successfully.**

22. **There was convergence on the need to adopt comprehensive approaches to ensure the participation of girls, and communities. Such approaches had to address the root causes of child, early and forced marriage, including poverty and gender inequality. The need to ensure the access of girls to education and services, including information and services on sexual and reproductive health, was also a recurring theme of the panel.**

23. **The panel also agreed that ensuring child, early and forced marriage features in the post-2015 development agenda is critical. It was stressed that the Council needs to remain actively engaged in this issue.**